

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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**VERIFIED PETITION OF THE
BOARD OF COMMISSIONERS
OF BOONE COUNTY, INDIANA
TO REVOKE THE CERTIFICATE
OF TERRITORIAL AUTHORITY
ISSUED TO BOONE COUNTY
UTILITIES, LLC**

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FILED

OCT 02 2003

INDIANA UTILITY
REGULATORY COMMISSION

) **Consolidated CAUSE NOS. 42131 and 42093**

You are hereby notified that on this date the Indiana Utility Regulatory Commission has caused the following entry to be made:

On August 28, 2003, Boone County Utilities, LLC ("BCU") filed its Verified Motion for "Finding Certain Material to be Confidential and For an Order Protecting the Material from Disclosure", to which Valenti-Held Real Estate Group, LLP ("Valenti-Held") filed its Response on September 2, 2003.

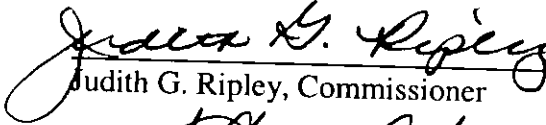
After a review of BCU's Motion and the Response thereto, the Presiding Officers note that, in its Motion, BCU argues that "BCU's Operating Agreement was created by and for the specific purpose of defining and governing the relationship of BCU's membership and the operating of BCU". The Presiding Officers further note that the Operating Agreement purports to delineate the relationship between BCU and Newland, which relationship the Commission has found to be an "affiliated interest", by its Order of March 12, 2003.


The Presiding Officers find that the subject Operating Agreement is clearly a contract with an affiliated interest as contemplated by I.C. 8-1-2-49(2)(g), and must be filed with the Commission pursuant to law.

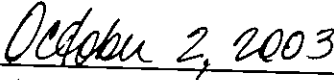
Therefore, the Presiding Officers, pursuant to the Commission's Order of March 12, 2003, and the provisions of I.C. 8-1-2-49 *et seq.* direct BCU to forthwith file its Operating Agreement with the Commission as an agreement with an affiliated interest.


BCU has also requested protection of a ruling of confidentiality for this Agreement with regard to discovery in this proceeding, and, said request is not accompanied by the necessary sworn statement required by I.C. 5-14-3 and the rules of this Commission. Therefore, BCU's request for confidential status for this Operating Agreement is denied.

IT IS SO ORDERED.


Judith G. Ripley, Commissioner


Thomas Cobb, Administrative Law Judge


Date


Pamela K. White
Acting Secretary to the Commission